United Nations A/C.2/71/SR.27

General Assembly
Seventy-first session

Official Records

Distr.: General
24 January 2017

Original: English

Second Committee

Summary record of the 27th meeting
Held at Headquarters, New York, on Wednesday, 30 November 2016, at 3 p.m.

Chair: Mr. Djani ..... (Indonesia)

Contents

Statement by the Chair

Statement by the Secretary of the Committee

Agenda item 19: Sustainable development (*continued*)

(b) Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (*continued*)

(a) Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development (*continued*)

Agenda item 22: Groups of countries in special situations (*continued*)

(b) Follow-up to the second United Nations Conference on Landlocked Developing Countries (*continued*)

This record is subject to correction.

Corrections should be sent as soon as possible, under the signature of a member of the delegation concerned, to the Chief of the Documents Management Section (dms@un.org), and incorporated in a copy of the record.

Corrected records will be reissued electronically on the Official Document System of the United Nations (http://documents.un.org/).

16-21122 (E)

Please recycle

The meeting was called to order at 3.40 p.m.

Statement by the Chair

1. **The Chair** drew attention to the fact that the Committee was supposed to have completed its work that day but had been granted an extension for the second time. The Committee would now have until 9 December to take action on 19 draft resolutions still before it; however, only negotiations on draft resolution A/C.2/71/L.37 entitled "Quadrennial comprehensive policy review of the operational activities for development of the United Nations system" were expected to go beyond 2 December. Delegations were urged to take all necessary measures, including working beyond business hours, to conclude the Committee's work as agreed.

2. **Mr. Tatiyapermpoon** (Thailand), speaking on behalf of the Group of 77 and China, said that the Group would work hard to meet the deadline, as it was currently quite concerned at the slow progress toward achieving consensus on draft resolution A/C.2/71/L.37.

Statement by the Secretary of the Committee

3. **Ms. Herity** (Secretary of the Committee) said that the Secretariat had edited cross-cutting language on the Paris Agreement — agreed language that had been the result of balanced consideration by delegations and should not have been altered — in five draft resolutions. The fourth preambular paragraph of draft resolution A/C.2/71/L.53, the seventh preambular paragraph of draft resolution A/C.2/71/L.21/Rev.1, the second preambular paragraph of draft resolution A/C.2/71/L.46, the tenth preambular paragraph of draft resolution A/C.2/71/L.45 and the eighth preambular paragraph of draft resolution A/C.2/71/L.47 would therefore be corrected to reflect the agreed language. Those preambular paragraphs would consequently read: "Welcoming the Paris Agreement and its early entry into force, encouraging all the parties to fully implement the Agreement, and parties to the United Nations Framework Convention on Climate Change that have not yet done so to deposit their instruments of ratification, acceptance, approval or accession, where appropriate, as soon as possible".

Agenda item 19: Sustainable development (*continued*) (A/C.2/71/L.4, A/C.2/71/L.21/Rev.1 and A/C.2/71/L.53)

Draft resolutions on combating sand and dust storms (A/C.2/71/L.4 and A/C.2/71/L.53)

4. **The Chair** invited the Committee to take action on draft resolution A/C.2/71/L.53, submitted by Mr. Díaz de la Guardia (Spain), Vice-Chair of the Committee, on the basis of informal consultations held on draft resolution A/C.2/71/L.4.

5. **Mr. Tadesse** (Ethiopia), facilitator, said that in paragraph 7, "international conference" should be changed to "international event".

6. **Ms. Herity** (Secretary of the Committee), reading out a statement in connection with draft resolution A/C.2/71/L.53, in accordance with rule 153 of the rules of procedure, drew attention to the request contained in paragraph 9 of the draft resolution that the Secretary-General should submit to the General Assembly at its seventy-third session a report on the implementation of the resolution and to include in the provisional agenda of its seventy-second session under the item entitled "Sustainable development", a sub-item entitled "Combating sand and dust storms", unless otherwise agreed. The request would constitute an addition to the documentation workload of the Department for General Assembly and Conference Management of one pre-session document of 8,500 words to be in issued in six languages; that would entail additional requirements in the amount of US $37,600 for documentation services in 2018. The additional resource requirements of US $37,600 that would arise for 2018 under section 2, General Assembly and Economic and Social Council affairs and conference management, would consequently be included in the proposed programme budget for the biennium 2018-2019.

7. *Draft resolution A/C.2/71/L.53, as orally corrected, was adopted.*

8. *Draft resolution A/C.2/71/L.4 was withdrawn.*

Draft resolution entitled "Cooperative measures to assess and increase awareness of environmental effects related to waste originating from chemical munitions dumped at sea" (A/C.2/71/L.21/Rev.1)

9. **The Chair** invited the Committee to take action on draft resolution A/C.2/71/L.21/Rev.1, submitted by Lithuania on behalf of the sponsors listed in the document.

10. **Mr. Díaz de la Guardia** (Spain), facilitator, announced that Albania, Georgia, Montenegro, the former Yugoslav Republic of Macedonia, the Republic of Moldova and Ukraine had joined as sponsors of the revised draft resolution.

11. **The Chair** said that the draft resolution contained no programme budget implications.

12. **Ms. Herity** (Secretary of the Committee) said that Bosnia and Herzegovina and Serbia also wished to join the sponsors.

13. **Mr. Babajide** (Observer for the European Union), speaking in explanation of position on behalf of the European Union and its member States, said that the eighth preambular paragraph referring to the United Nations Convention on the Law of the Sea gave cause for concern. The formulation of that paragraph was not consistent with the agreed language in the annual omnibus resolution on oceans and the law of the sea, which was and should remain the authoritative source of any reference to the Convention in resolutions of the General Assembly, namely "emphasizing the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out and is of strategic importance as the basis for national, regional and global action and cooperation in the marine sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21."

14. Thus, by establishing the legal framework within which all activities in the oceans and seas must be carried out, the Convention promoted stability of the law and maintenance of international peace and security. The universal character of the Convention was not only evident in its universal language and purpose and the commitment to settle all law of the sea issues on the premise that they were interrelated and needed to be considered as a whole, but primarily in its unprecedented, almost universal participation. Currently, 168 States parties, including the European Union, were bound by its provisions.

15. International jurisprudence had long accepted that its provisions either embodied or reflected customary international law. Joining consensus on the adoption of the draft resolution would not imply agreement with the language used in the eighth preambular paragraph or support for its use in any other resolution in the future.

16. **Mr. Morales López** (Colombia) said that protecting oceans was fundamental to sustainable development and that everyone depended on ocean resources in one way or another because those resources provided food security, generated electricity or mitigated climate change, among other benefits. Colombia attached particular importance to preserving marine ecosystems, which would require close international cooperation. For that reason, it had supported the draft resolution under consideration, which would raise awareness about the problem of chemical munitions dumped at sea.

17. However, the eighth preambular paragraph of the text to be adopted contained a reference to the Convention on the Law of the Sea, to which Colombia was not a State party. Colombia refused to acknowledge the Convention as the only policy framework for maritime activities. The Convention was indeed one of the existing legal frameworks but only for its States parties. His country conducted all maritime activities in strict adherence to the international commitments it had expressly accepted or adopted. Those commitments were set forth in a variety of international and regional instruments to which Colombia was a State party.

18. In that regard, Colombia did not accept the fundamental nature of the Convention on the Law of the Sea referred to in the eighth preambular paragraph, nor did it consider that the Convention was universal or that it constituted a single unified body of law. Colombia wished to express its reservations regarding that paragraph and did not consider itself bound by its contents. That paragraph did not constitute a precedent for the negotiation of the draft resolution before the Committee or any other draft resolution negotiated

during future sessions of the General Assembly or other multilateral negotiation arenas.

19. **Ms. Engelbrecht Schadtler** (Bolivarian Republic of Venezuela) said that her delegation would join the consensus on the adoption of the draft resolution, which dealt with important issues related to sustainable development. However, her country did not support the references to international instruments to which the Bolivarian Republic of Venezuela was not a party. Those references should not be considered as a change in her country's position. In particular, her country was not a party to the United Nations Convention on the Law of the Sea. For that reason, the norms mentioned in that instrument, including instruments which could be considered to constitute customary international law, were not binding on her country except insofar as its legislation explicitly recognized them. That Convention should not be the only legal framework that purported to govern activities related to oceans and seas, nor could it be considered a universal instrument.

20. *Resolution A/C.2/71/L.21/Rev.1, as orally corrected by the Secretary of the Committee, was adopted.*

21. **Mr. Erciyes** (Turkey) said that his country had joined the consensus on the draft resolution because it attached importance to the conservation and sustainable use of oceans and the prevention of marine pollution of all kinds. The draft resolution would raise awareness of the environmental effects related to waste originating from chemical munitions dumped at sea. However, his country disassociated itself from references to international instruments to which it was not a party. Those references could not be construed as a change in the legal position of Turkey with regard to such instruments. His country did not consider the reference to the Convention on the Law of the Sea in the annual resolution on oceans and the law of the sea as agreed language. A vote on the resolution should take place every year.

Oral decision on the report of the Secretary-General on the mainstreaming of the three dimensions of sustainable development throughout the United Nations system (A/71/76-E/2016/55) *and the note by the Secretary-General transmitting the report by the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora on the implementation of World Wildlife Day* (A/71/215)

22. **The Chair** proposed that the Committee should take note of the report of the Secretary-General on the mainstreaming of the three dimensions of sustainable development throughout the United Nations system, as contained in document A/71/76-E/2016/55, and the note by the Secretary-General transmitting the report by the secretariat of the Convention on International Trade in Endangered Species of Wild Fauna and Flora on the implementation of World Wildlife Day, as contained in document A/71/215.

23. *It was so decided.*

(b) Follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States (*continued*) (A/C.2/71/L.6 and A/C.2/71/L.46)

Draft resolutions entitled "Towards the sustainable development of the Caribbean Sea for present and future generations" (A/C.2/71/L.6 and A/C.2/71/L.46)

24. **The Chair** invited the Committee to take action on draft resolution A/C.2/71/L.46, submitted by Mr. Díaz de la Guardia (Spain), Vice-Chair of the Committee, on the basis of informal consultations held on draft resolution A/C.2/71/L.6.

25. **Ms. Francis** (Bahamas), facilitator, thanked the Secretary of the Committee for the explanation on cross-cutting language on the Paris Agreement reflected in the draft resolution, which could therefore be adopted without delay.

26. **The Chair** said that draft resolution A/C.2/71/L.46 contained no programme budget implications.

27. **Mr. Babajide** (Observer for the European Union), speaking in explanation of position on behalf

of the European Union and its member States, said that the eighth preambular paragraph referring to the United Nations Convention on the Law of the Sea (the Convention) gave cause for concern. The formulation of that paragraph was not consistent with the agreed language in the omnibus resolution on oceans and the law of the sea, which was and should remain the authoritative source of any reference to the Convention in resolutions of the General Assembly, namely "emphasizing the universal and unified character of the Convention, and reaffirming that the Convention sets out the legal framework within which all activities in the oceans and seas must be carried out, and is of strategic importance as the basis for national, regional and global action and cooperation in the maritime sector, and that its integrity needs to be maintained, as recognized also by the United Nations Conference on Environment and Development in Chapter 17 of Agenda 21."

28. Thus, by establishing the legal framework within which all activities in the oceans and seas must be carried out, the Convention promoted stability of the law and maintenance of international peace and security. The universal character of the Convention was not only evident in its universal language and purpose and the commitment to settle all law of the sea issues on the premise that they were interrelated and needed to be considered as a whole, but primarily in its unprecedented, almost universal participation. Currently, 168 States parties, including the European Union, were bound by its provisions.

29. International jurisprudence had long accepted that its provisions either embodied or reflected customary international law. Joining consensus on the adoption of the draft resolution would not imply agreement with the language used in the eighth preambular paragraph or support for its use in any other resolution in the future.

30. *Draft resolution A/C.2/71/L.46, as orally corrected by the Secretary of the Committee, was adopted.*

31. **Mr. Erciyes** (Turkey) said that his delegation fully supported the efforts of the Association of Caribbean States to develop and implement regional initiatives to promote sustainable conservation and management of their coastal and marine resources. However, his delegation dissociated itself from the references in the draft resolution to the international instruments to which Turkey was not a party. Accordingly, such references could not be construed as a change in the legal position of his country with regard to those instruments. His delegation also did not consider the wording concerning the United Nations Convention on the Law of the Sea in the resolution on oceans and the law of the sea as agreed language. The draft resolution should have been put to a vote.

32. **Ms. Engelbrecht Schadtler** (Bolivarian Republic of Venezuela) said that her delegation had joined the consensus on the adoption of the draft resolution, which dealt with important issues related to the sustainable development of the Caribbean Sea. It also supported the views expressed by the Group of 77 and China, and initiatives by Caribbean States in particular. However, her country did not support the references to international instruments to which the Bolivarian Republic of Venezuela was not a party. Those references should not be considered as a change in her country's position. In particular, her country was not a party to the United Nations Convention on the Law of the Sea. For that reason, the norms mentioned in that instrument, including instruments which could be considered to constitute customary international law, were not binding on her country except insofar as its legislation explicitly recognized them.

33. **Mr. Morales López** (Colombia) said that his country attached great importance to the sustainable development of the Caribbean Sea since it had a coastline on that sea and drew much of its environmental, social, cultural and economic wealth from it. As for other Caribbean countries, the sea was a source of development and prosperity for their peoples. His delegation had supported the draft resolution and joined the consensus.

34. However, the eighth preambular paragraph of the text to be adopted contained a reference to the Convention on the Law of the Sea, to which Colombia was not a State party. Colombia did not acknowledge the Convention as the only policy framework for maritime activities. It was one of the existing legal frameworks, but only for its States parties. His country conducted all maritime activities in strict adherence to the international commitments it had expressly accepted or adopted. Those commitments were set

forth in a variety of international and regional instruments to which Colombia was a State party.

35. In that regard, Colombia did not accept the fundamental nature of the Convention on the Law of the Sea referred to in the eighth preambular paragraph, nor did it consider that the Convention was universal or that it constituted a single unified body of law. Colombia wished to express its reservations regarding that paragraph and did not consider itself bound by its contents. That paragraph did not constitute a precedent for the negotiation of the draft resolution before the Committee or any other draft resolution negotiated during future sessions of the General Assembly or other multilateral negotiation arenas.

36. *Draft resolution A/C.2/71/L.6 was withdrawn.*

Oral decision on the report of the Secretary-General on the sustainable development of the Caribbean Sea for present and future generations (A/71/265), *the addendum to the report of the Secretary-General on the follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States* (A/71/267/Add.1), *and the addendum to the note by the Secretary-General transmitting his comments on the report of the Joint Inspection Unit entitled "Comprehensive review of United Nations system support for small island developing States: initial findings"* (A/71/324/Add.1)

37. **The Chair** proposed that the Committee should take note of the report of the Secretary-General on the sustainable development of the Caribbean Sea for present and future generations, as contained in document A/71/265, the addendum to the report of the Secretary-General on the follow-up to and implementation of the SIDS Accelerated Modalities of Action (SAMOA) Pathway and the Mauritius Strategy for the Further Implementation of the Programme of Action for the Sustainable Development of Small Island Developing States, as contained in document A/71/267/Add.1, and the addendum to the note by the Secretary-General transmitting his comments on the report of the Joint Inspection Unit entitled "Comprehensive review of United Nations system support for small island developing States: initial findings", as contained in document A/71/324/Add.1.

38. *It was so decided.*

(a) Implementation of Agenda 21, the Programme for the Further Implementation of Agenda 21 and the outcomes of the World Summit on Sustainable Development and of the United Nations Conference on Sustainable Development (*continued*) (A/C.2/71/L.12/Rev.1)

Draft resolution entitled "International Decade for Action, 'Water for Sustainable Development', 2018-2028" (A/C.2/71/L.12/Rev.1)

39. **The Chair** invited the Committee to take action on draft resolution A/C.2/71/L.12/Rev.1, submitted by Tajikistan on behalf of the sponsors listed in the document.

40. **Mr. Isomatov** (Tajikistan), facilitator, said that the sixth preambular paragraph of the draft resolution should read "Reaffirming the sustainable development goals and targets, including those related to water resources, contained in the 2030 Agenda for Sustainable Development [...]". He expressed his gratitude to the sponsors of the draft resolution for their support, and said that he looked forward to cooperating with all delegations, particularly the members of the Group of Friends of Water, in the preparation and implementation of the International Decade for Action, "Water for Sustainable Development", 2018-2028. The Decade would enhance the progress achieved during the International Decade for Action, "Water for Life", 2005-2015; serve as a platform for coordinated actions to achieve water-related goals and targets, including those contained in the Sustainable Development Goals; and complement social capital generated since the United Nations Water Conference held in Mar del Plata, Argentina in 1977.

41. **The Chair** said that the draft resolution contained no programme budget implications.

42. **Ms. Herity** (Secretary of the Committee) said that Barbados, Botswana, Bulgaria, Iceland, Mali and the Russian Federation wished to become sponsors.

43. *Draft resolution A/C.2/71/L.12/Rev.1, as orally corrected, was adopted.*

Agenda item 22: Groups of countries in special situations (*continued*)

(b) Follow-up to the second United Nations Conference on Landlocked Developing Countries (*continued*) (A/C.2/71/L.27 and A/C.2/71/L.47)

Draft resolutions entitled "Follow-up to the Second United Nations Conference on Landlocked Developing Countries" (A/C.2/71/L.27 and A/C.2/71/L.47)

44. **The Chair** invited the Committee to take action on draft resolution A/C.2/71/L.47, submitted by Mr. Andambi (Kenya), Vice-Chair of the Committee, on the basis of informal consultations held on draft resolution A/C.2/71/L.27.

45. **Ms. Chanda** (Zambia), facilitator, said that she wished to point out corrections to the eighth preambular paragraph already made by the Secretariat, and to correct the ninth preambular paragraph, which should read: "Recognizing the specific needs and special circumstances of developing country parties, especially those that are particularly vulnerable to the adverse effects of climate change, as provided for in the United Nations Framework Convention on Climate Change". In view of the fact that the Global Sustainable Transport Conference held in Ashgabat had just concluded, the eleventh preambular paragraph should now read: "Taking note of the Global Sustainable Transport Conference held in Ashgabat from 26 to 27 November 2016".

46. Lastly, the final preambular paragraph should read: "Taking note of the Livingstone Call for Action for the Accelerated Implementation of the Vienna Programme of Action for Landlocked Developing Countries, the communiqué of the Ministerial Meeting of Landlocked Developing Countries adopted in the margins of the Tenth Ministerial Conference of the World Trade Organization, the declaration adopted at the Fifth Meeting of Trade Ministers of Landlocked Developing Countries, the communiqué of the Fifteenth Annual Ministerial Meeting of Landlocked Developing Countries, and the ministerial declaration adopted at the High-level Meeting on Sustainable Transport of Landlocked Developing Countries."

47. **The Chair** said that draft resolution A/C.2/71/L.47 contained no programme budget implications.

48. *Draft resolution A/C.2/71/L.47, as orally corrected, was adopted.*

49. *Draft resolution A/C.2/71/L.27 was withdrawn.*

The meeting rose at 4.30 p.m.